REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Support for the amendment to claim 9 is found at page 12, line 22 to page 13, line 5 and page 19, lines 10-12 of the application as filed. Support for new claim 16 is found at page 29- line 20 to page 29 line 31.

The rejection of claim 9 under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,330,974 to Pines ("Pines") is respectfully traversed.

Pines relates to fibrinogen compositions which may include other protein species, such as serum albumin, gamma globulin, plasminogen, plasma fibronectin and factor XIII. These proteins are found in a fibrinogen preparation which is precipitated from a solution, i.e. the protein is in the precipitate. Fibrinogen (and proteins present, if any) are precipitated from plasma, resuspended in solution and reprecipitated (Pines Col. 10, lines 54-61 and Example 1). In addition, the fibrinogen preparation of Pines (and proteins present, if any) are soluble. In particular, Pines discloses reconstitution of the lyophilized fibrinogen (Col. 17, lines 5-9).

In contrast, claim 9 of the present application recites a composition which includes a lipid rich component, where the lipid rich component is separated from a supernatant. Further, claim 16 recites where the lipid rich component is insoluble. Accordingly, because Pines does not teach the present invention, the invention is improper and should be withdrawn.

The rejection of claims 10-15 under 35 U.S.C. § 103(a) for obviousness over Pines in view of Mosesson et al., Biochem, 5(9):2829-35(1966)("Mosesson") and Brown et al., Am. J. Pathology, 142(1):273-283(1993)("Brown") is respectfully traversed.

The disclosure of Pines is discussed above.

Mossesson relates to the preparation of human fibrinogen. Mossesson does not disclose or suggest a lipid rich component or, further, a lipid rich component which is separated from a supernatant.

Brown relates to fibroblast migration where fibrinogen is coagulated to form a fibrin gel. Brown does not disclose or suggest a lipid rich component or, further, a lipid rich component which is separated from a supernatant.

The outstanding office action refers to Clark et al on pages 3-5. Clark et al, however, is not listed as one of the references relied upon for the obviousness rejection. Applicants request clarification of this issue. Further, assuming that the PTO is referring to U.S. Patent No. 5,935,850 to Clark et al. ("Clark"), Clark is not available as a reference against the claims of the present invention. In particular, Clark was filed on September 30, 1996 and issued on August 10, 1999. The present application was filed on September 19, 2003 claiming priority to U.S. Patent Application Serial No. 09/500,512, filed on February 9, 2000 (now issued as U.S. Patent No. 6,949,140), which claimed priority to U.S. Provisional Patent Application Serial No. 60/119,344. Accordingly, the present application is entitled to a priority date of February 9, 1999. Clark, which issued on August 10, 1999, is only available as prior art under 35 U.S.C. 103(e). At the time of the present invention, the present patent application and Clark were co-owned. The present application is assigned to The Research Foundation of SUNY (recorded at Reel/Frame 010904/0694 on June 15, 2000). Clark is assigned to The Research Foundation of SUNY (recorded at Reel/Frame 010470/0015 on December 6, 1999 and Reel/Frame 8292/0170 on December 19, 1996). Therefore, pursuant to 35 U.S.C. 103(e)), Clark should not be considered when determining whether the present invention is obvious under 35 U.S.C. 103, because the subject matter of Clark and the present invention was commonly owned at the time the invention was made.

Firstly, none of the cited references, or the combination of the cited references, overcomes the deficiencies of Pines. In particular, none of the references, nor the combination of cited references, teaches or suggests a composition which includes fibrinogen and a lipid rich component, where the lipid rich component is separated from a supernatant. In addition, none of the references teach or suggest a lipid rich component which is insoluble.

Further, none of the references, nor the cited combination of references, teach or suggest a method which includes the steps of claim 13 and 15. Accordingly, the rejection of claims 10-15 is improper and must be withdrawn.

In view of the foregoing, applicants believe that this application is in condition for allowance and such allowance is earnestly solicited.

Pursuant to 37 CFR §§1.97-98, applicant hereby encloses the references as shown on the PTO-1449 form. Pursuant to 37 CFR §1.17(p) enclosed is the fee of $180. The Director is hereby authorized to charge any fees which may be due or credit any overpayment to Deposit Account 50-0772.

Respectfully submitted,

February 21, 2006
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I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail on 2/21/06 under 37 CFR 1.8 and is addressed to the Commissioner for Patent, PO Box 1450, Alexandria, VA 22313-1450

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